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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/492,668	01/27/2000	Roy A. Garver	242/300	1205
7590 04/21/2005				
Maccord Mason PLLC P.O BOX 2974 Greensboro, NC 27402			EXAMINER WALSH, DANIEL I	
			ART UNIT 2876	PAPER NUMBER

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/492,668

Applicant(s)

GARVER, ROY A.

Examiner

Daniel I. Walsh

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 33-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Receipt is acknowledged of the Response of 3 January 2005.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 33-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlieffers et al. (US 6,394,355) in view of Roslak (US 5,825,002).

Schlieffers et al. teaches a portable terminal (10) including a data reader and a first RF interface wherein the portable terminal identifies selected items using the data reader and transmits information about the items via a first RF interface, a base station (80) including a second RF interface, a memory, and a data output port, where the base station receives the information about the selected items from the portable terminal via the second RF interface, stores the information in the memory, and outputs the information via the data output port to the checkout station where a user is to pay (col 7, lines 39+). Though Schlieffers et al. is silent to a self checkout station and a customer operated automated payment accepting subsystem, the Examiner notes that self-checkouts that accept payments are well known and conventional, as a means to reduce the amount of workers to complete a transaction, permitting more registers to be in use at once, and reducing labor costs, for example (re claim 34).

Roslak teaches the use of a portable terminal that is used to scan items for purchase, and an automated register 50 is where the customer makes payment for the items. As Roslak teaches an automated register where a customer can make payment, it is understood to include a payment accepting subsystem (see Lutz US 5,952,642).

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Schlieffers et al. with those of Roslak.

One would have been motivated to do this to have a automated register to allow for customers to make payment, thereby providing convenience, reducing the amount of employees, allowing more registers to be operated at once, etc., as such results are expected.

Re claims 38-39, self-service checkout terminals are well known to accept credit/debit cards/cash (conventional means of payment), and include an interface to a point of sale system (when payment is made; see Lutz). Re claim 36, Schlieffers et al. teaches the use of an RFID tag reader (last paragraph before claims). Re claims 35-36, the Examiner notes that such types of readers are well known and conventional and have been discussed in previous office actions, and in previous references as well known and conventional means to read different object indicia. The choice of barcode readers or RFID readers is a matter of design variation as both are accepted means to label and identify objects, where barcodes are inexpensive and widely accepted, for example, and RFID tags enable contactless/non-line of sight reading (convenience), for examples, and therefore can easily be selected by one of ordinary skill in the art, based upon the system they are to be used in. Re claim 37, the Examiner notes its well known and conventional in the art to store price information on a central computer, which among other things, enables global price adjustments to be made at one machine/computer which pricing

information is then downloaded to terminals, as opposed to updating each terminal with new price information manually (see US 6,189,789 which teaches a central computer stores price information/price lookup table where a reader reads object indicia and a price is fetched from the computer). The Examiner notes that even Roslak teaches a central computer storing price/item information.

### ***Additional Remarks***

3. In response to the Applicants arguments that the rejection must arise from impermissible hindsight reconstruction of the Applicants' invention, the Examiner disagrees. The Examiner maintains that self checkout stations with automated payment accepting subsystems are well known to reduce the amount of workers to complete a transaction; and motivation to use such a system in from the expected results of reducing workers, saving costs, etc. as discussed above and in the prior Office Action. The Examiner has provided art to support such statements, in response to the Applicants arguments.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Schlieffers et al. (US 2002/0104887), Saito et al. (US 2001/0014870), Tracy et al. (US 6,550,672), Swartz et al. (US 6,243,447), Tracy et al. (US 6,199,753), Matsumori (US 6,179,206), Murrah et al. (US 5,804,807), Ruppert et al. (US 5,640,002), Dumont (US 5,641,039), and Lutz (US 5,952,642).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Walsh whose telephone number is (571) 272-2409. The examiner can normally be reached between the hours of 7:30am to 4:00pm Monday through Friday.

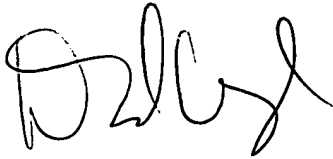
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone numbers for this Group is (703) 308-7722, (703) 308-7724, or (703) 308-7382.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to **[daniel.walsh@uspto.gov]**.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more

clearly set for the in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



DW  
4/15/05



KARL D. FRECH  
PRIMARY EXAMINER